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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,875	05/10/2001	Marcos Esterman JR.	10005691-1	5142
7590	05/19/2005		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/852,875	ESTERMAN, MARCOS	
	Examiner	Art Unit	
	Jinsong Hu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7, 9, 11-14 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7, 9, 11-14 and 17-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. Claims 1-21 are presented for examination; claims 1, 6-7, 12-14 and 17 have been amended; claims 8, 10 and 15-16 have been canceled; claims 18-21 are newly added claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9, 11-14 and 17- 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byford (GB 2327565), in view of Deo et al. (US 6,832,084)

4. Byford is a prior art cited by Applicant on form 1449, filed on 1/21/03.

5. As per claims 1 and 18-19, Byford teaches the invention substantially including an apparatus for initiating a document download [p. 2, lines 22-30] comprising:

a memory with document download instructions stored therein [p. 5, line 25; p. 6, lines 34-36];

a wireless transmitter linked to said memory for transmitting downloading instructions [i.e., URL] via a wireless protocol [p. 6, lines 25-36]; and an activation switch [i.e., it is obvious that a user mobile terminal or a portable web browser device includes an activation switch, p. 2, lines 23; p. 9, lines 30] for causing said wireless transmitter to retrieve said document download instructions from said memory and to transmit said document download instructions via a wireless protocol [p. 2, lines 23; p. 5, lines 23-27; p. 9, lines 30-33].

6. Byford does not specifically teach the switch is a mechanical activation switch linked to at least one of the memory and the wireless transmitter. However, Deo on the other hand teaches that a mechanical activation switch linked to at least one of the memory and the wireless transmitter [col. 3, lines 33-56; col. 4, lines 40 -57]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Byford and Deo because doing so would bring convenience to user by allowing them browse the content on the display. One of ordinary skill in the art would have been motivated to modify Byford's system with Deo's mechanical switch to improve the functionality of the system.

6. As per claim 2, Byford teaches said document download instructions comprise at least a network address [i.e., URL for WWW page] corresponding to a network based document source [p. 6, lines 14-15; p. 6, line 39 – p. 7, line 2].

7. As per claim 3, Byford teaches the network address comprises an Internet protocol address corresponding to a data file containing a document [p. 6, line 39 – p. 7, line 2; p. 8, lines 22-30].
8. As per claim 4, Byford teaches the download instructions comprise computer executable instructions for execution by a processor based device to cause said processor based device to locate a data file on a network at a network address as specified by said download instructions and to download said data file to said processor based device [p. 6, line 19 – p. 7, line 6].
9. As per claim 5, Byford teaches the processor based device comprises a printer connected to a network, and wherein said download instructions further comprises computer executable instructions for printing a document contained in said data file [inherent, p. 4, lines 14-28; i.e., the processor based device is a computer, which has print function].
10. As per claims 6-7, Byford teaches wireless protocol has an operating range and the apparatus comprises a power supply for powering said memory. Byford does not specifically disclose the operating range is no more than 3 meters and the power is DC power. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace power of apparatus with a DC power in Byford's system to cause the operating range of the apparatus is no more than 3 meters

because doing so would avoid providing unnecessary high power voltage to the apparatus. One of ordinary skill in the art would have been motivated to modify Byford's system with Deo's DC power to increase simplicity of the system.

16. As per claim 9, Byford teaches the invention substantially as claimed in claim 1. Byford does not specifically teach the shell was attached to a product. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the shell attached to the product in Byford's system because doing so would enable users locate the downloading device easier. One of ordinary skill in the art would have been motivated to modify Byford's system to bring convenience to users.

12. As per claim 11, Byford teaches the memory further comprises a unique product identity code stored therein, said unique identity code transmitted with said download instructions by said transmitter [p. 7, lines 39-41; p. 8, lines 22-30].

17. As per claim 12, since it is a structure claim of claims 1-7 and 9, it is rejected for the same basis as claims 1-7 and 9 above.

13. As per claims 13-14, 17, and 20-21, since they are computer program claims of claims 1-7 and 9, they are rejected for the same basis as claims 1-7 and 9 above.

Conclusion

14. Applicant's arguments with respect to claims 1-7, 11-14 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's arguments with respect to claims 9 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that Byford not teach an attached shell for the apparatus.

16. Examiner respectfully traverses applicant's remarks:

In the previous office action, Examiner acknowledged the shortage of a shell in Byford's reference, and never pointed out that Byford teaches a shell for the apparatus. Furthermore, Examiner had explained the motivation of modification. See the Action for details.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

May 13, 2005


VIET D. VU
PRIMARY EXAMINER